

EXHIBIT A (REDACTED)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the United States of America for a Search and Seizure Warrant for a Black USB Thumb Drive Received by the Government from [REDACTED]'s Counsel via Federal Express on or about January 4, 2024

TO BE FILED UNDER SEAL

**Agent Affidavit in Support of
Application for Search and Seizure
Warrant**

SOUTHERN DISTRICT OF NEW YORK) ss.:

TIMOTHY McCANN, Special Agent, Department of Homeland Security, Homeland Security Investigations ("HSI" or "Investigating Agency"), being duly sworn, deposes and says:

I. Introduction

A. Affiant

1. I am a Special Agent with HSI. Thus, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. [REDACTED]

2. I make this Affidavit in support of an application pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the electronic device specified below (the "Subject Device") for the items and information described in Attachment A. [REDACTED]

- [REDACTED]
- b. Beginning in or about 2014, [REDACTED] developed a close business relationship with GE, DA COSTA, and NELSON (who oversaw DA COSTA at GE at the time). [REDACTED]'s companies served primarily as an engineering, procurement, and construction ("EPC") companies, which served as a middleman between energy infrastructure manufacturers (like GE) and purchasers of that infrastructure (like Angola). [REDACTED]'s companies also serviced energy infrastructure projects.
 - c. [REDACTED] worked closely with GE on LNG turbine and other energy projects, including the energy projects in Angola that eventually became the subject of the GE Fraud, from 2014 through 2018.
 - d. After the GE Fraud was uncovered, [REDACTED]'s relationships with GE and DA COSTA deteriorated.²

² AE and GE have instituted several legal actions against each other related to the GE Fraud in various fora around the world. GE has alleged in court and arbitration proceedings that Machado was involved in the creation of the fake documents used in the GE Fraud, principally because those documents contain what appear to be signatures from an AE employee ("Employee-1"). In resolving one of the disputes between GE and AE, a panel of the London Court of International Arbitration concluded after a hearing that Employee-1, at the direction of [REDACTED], signed the fake documents used in the GE Fraud, and that [REDACTED] knew that these fake documents would be used to deceive a financing arm of GE to release certain loan funds. The London Court of International Arbitration panel did not credit [REDACTED]'s testimony during arbitration proceedings denying his involvement in the GE Fraud. Employee-1 and [REDACTED] both maintain that they had nothing to do with the GE Fraud, and that [REDACTED] was not in Africa at the time the fraudulent documents were made, although Employee-1 was in Angola at that time.

After the GE Fraud was uncovered, DA COSTA was arrested in Angola and held for a period of time before being released. After he was arrested by HSI in connection with the case pending against him in this District, DA COSTA gave a *Mirandized* post-arrest statement in which he stated, in substance and in part, his belief that (1) [REDACTED] induced the Angolan government to arrest DA COSTA; (2) [REDACTED] attempted to induce the Cameroonian government to arrest or attack DA COSTA; (3) [REDACTED] once explicitly threatened to kill DA COSTA if he told the Angolan government about the GE Fraud; (4) [REDACTED] was the mastermind behind the GE Fraud;

- e. [REDACTED] was repeatedly asked by foreign officials in Angola, including BORGES, for bribes including in connection with deals involving GE, but he did not make any bribe payments. [REDACTED] did buy Angolan foreign officials expensive bottles of wine and liquor. In the beginning of 2017, [REDACTED] also paid the daughter of the former Angolan President an amount of dirhams worth approximately \$28 million USD because [REDACTED] believed she was threatening to destroy his energy distribution business in Angola.
- f. After his relationships with GE and DA COSTA ended, [REDACTED] hired an independent contractor (the "Contractor") to access third parties' electronic devices and accounts without their consent, looking for suspicious conduct by DA COSTA and others. The Contractor obtained various documents containing private communications involving DA COSTA and others (the "Documents"), some of which [REDACTED] has obtained and reviewed. The Documents include emails, bank statements, invoices, and other things.
- g. According to [REDACTED] who has reviewed at least some of the Documents on the Subject Device, the Documents contain evidence of the following:

(5) [REDACTED] had paid NELSON \$5 million USD in connection with the GE Fraud, which money was to be split with DA COSTA and others; and (6) that [REDACTED] would regularly create fake documentation to justify suspicious bank transfers. The Government has not been able to corroborate any of DA COSTA's claims.

At the November 16, 2023, meeting, [REDACTED] denied the accusations made by DA COSTA. Machado also stated, in substance and in part, that in 2019 he "cleaned" his phones and deleted conversations with Angolan ministers, although [REDACTED] saved some communications with GE.

[REDACTED]